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July 12, 2004

ELECTRONICALLY FILED

The Hon. George A. O'Toole, Jr.
John Joseph Moakley U.S. Courthouse
1 Courthouse Way
Suite 2300
Boston, MA 02210

Re: *Andrus et al., v. Indevus Pharmaceuticals, Inc., et al.*
No. 1:04-cv-10911-GAO and other diet drug cases

Dear Judge O'Toole:

I have just seen Ms. Howe's hand delivered letter dated today (but not received by me by fax, as indicated).

The status conference requested by me jointly with Wyeth's counsel was not, by its terms, a request for oral argument tomorrow on our motions to remand and their motion to stay. The consequences of such motions are of great importance to the many plaintiffs I represent and deserve prior notice to counsel for full argument.

Most importantly, the basic issue already briefed by both sides on the remand motion is: under Mass. law, are the complaints barred by the statute of limitations. That issue was extensively briefed and argued before Judge Brassard of the Superior Court on June 16th. He then indicated he would write his decision expeditiously. Both sides have indicated to each other (but not to you) that his decision is expected imminently.

I will not proceed here to try to argue any of the pending motions. Indeed, I respectfully request that the status conference jointly requested be restricted to scheduling and similar matters which led to the request.

Respectfully submitted,

/s/ Michael S. Appel

Edward J. Barshak
Michael S. Appel

Cc: Janice W. Howe, Esq.
Matthew J. Matule, Esq.